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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,690	04/16/2004	Mitsugi Chonan	032405R172	8856
441 7590 03/23/2007 SMITH, GAMBRELL & RUSSELL 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			EXAMINER PILKINGTON, JAMES	
			ART UNIT	PAPER NUMBER
			3682	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/825,690

Applicant(s)

CHONAN, MITSUGI

Examiner

James Pilkington

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Prosecution Application***

1. The request filed on 1/30/07 for a Continued Examination (RCE) is accepted and a RCE has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10-12 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikenoya, USP 4,493,677.

Re clm 1-8, 10-12 and 14-20, Ikenoya discloses a continuously variable transmission comprising:

- A primary pulley (8)
- A secondary pulley (10)
- A drive belt (11)
- A fan blade (44)
- A case (Figures 2 and 3)
- A shroud wall (48) arranged independently from an inner surface of the casing, and the shroud wall has a base (where attached with screw 47) and free end (where it is unattached) and near the intake region (45)

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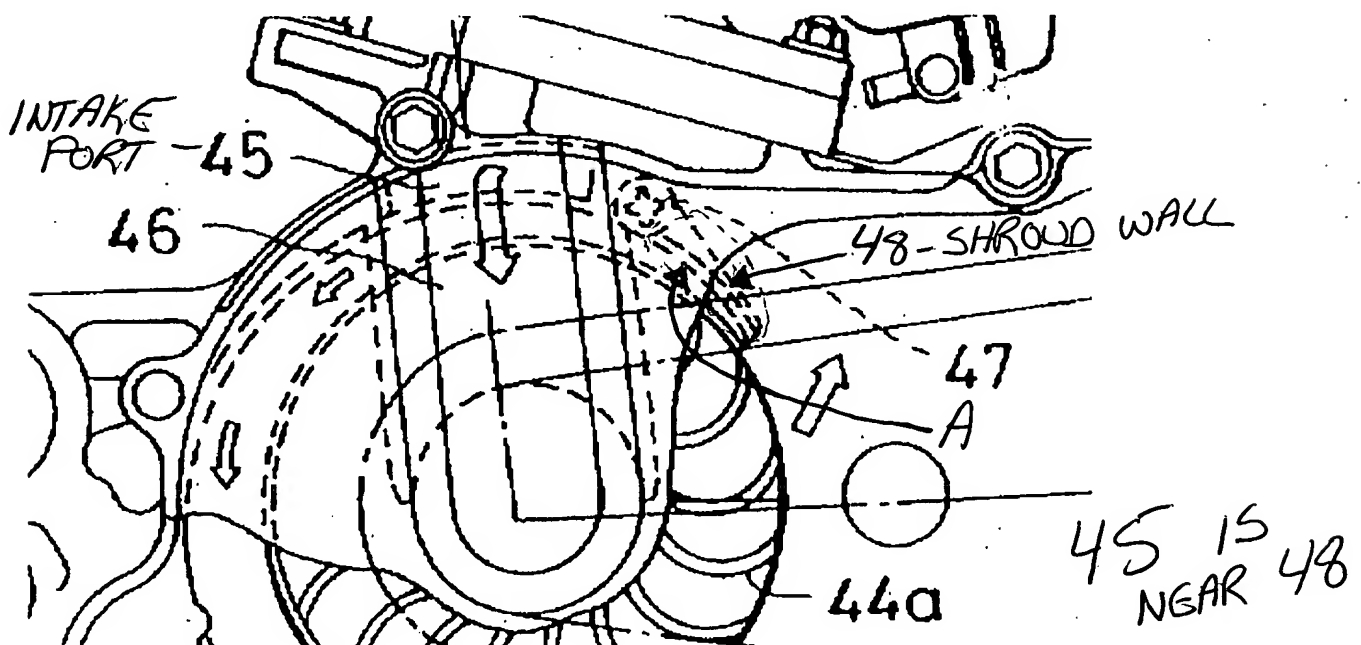
- A scrolling surface (inside surface of casing)
- A clearance gradually increasing over a quarter of said one of the pulleys (see Figure 2, pulley 16)
- An intake port/intake region (45, moves the air from the chamber A to pulley chamber B)
- Wherein the shroud wall is arranged near the intake port (45)
- An exhaust port/discharge region (open area around pulley 10 that allows air to travel from Chamber B to Chamber A).
- a unidirectional airflow plate (48) provided in said case and attached to the scrolling surface
- wherein said shroud wall and case represent a combination that is monolithic (combined together into one part)
- wherein an interior surface of said case extends to opposite sides of said shroud wall so as to have said shroud wall increase an amount of scroll surface conformance to a rotation travel path of an outer surface of said one of the pulleys (see Figure 2)
- wherein said shroud wall has a curvature which follows along a region of said one of the pulleys (8) which region includes a first sub-region where in said pulley is in contact with the belt (shroud wall to the left of intersection point with belt) and a second sub-region wherein said pulley is free of contact with said belt (where shroud wall intersects with belt in Figure 2).

***Response to Arguments***

4. Applicant's arguments filed 12/27/06 have been fully considered but they are not persuasive.

5. The applicant argues that Ikenoya fails to disclose that the intake port is arranged near the shroud wall (remarks page 6 lines 19-21, page 8 lines 10-20).

The examiner disagrees and directs the applicant to Figure 2 where it is clear that the shroud wall, defined now as character 48, is near the intake port 45. As no reference character is present in Figure 2 for the shroud wall see the Figure below.



6. The applicant argues that Ikenoya fails to disclose a shroud wall on which is formed a scrolling surface (remarks page 8 lines 1-3).

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The examiner disagrees and argues that Ikenoya discloses a wall 48 on which a scroll surface is formed (surface labeled in the Figure above as A). As broadly recited claim 1 does not set forth any structural limitations that differentiate the wall and scroll surface of Ikenoya from the instant application. Ikenoya does indeed disclose that 48 is the foot portion of a plate however, a plate is indeed a wall as it has a thickness and any surface of a wall is indeed a scroll surface.

7. Applicant's arguments filed 11/29/06 have been fully considered but they are not persuasive.

8. Applicant argues that Ikenoya fails to teach a shroud wall like that defined in the present invention.

The examiner disagrees for the same reasons as discussed above. Ikenoya discloses a wall 48 formed about a circumference of a pulley 16. As broadly recited claim 1 does not set forth any structural limitations that differentiate the wall of Ikenoya from the instant application. Ikenoya does indeed disclose that 48 is the foot portion of a plate however, a plate is indeed a wall as it has a thickness.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

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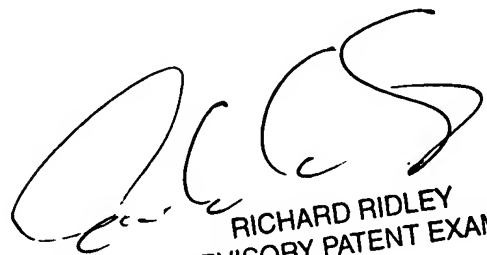
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/20/07

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER